

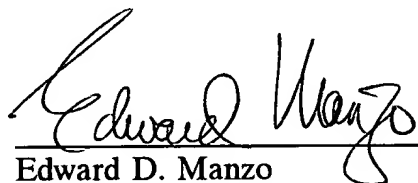
presenting 8

11 portion layer, the soft padding member including a material formed from a soft substance so that
12 the soft substance is located between the diaper wearer and the plastic layer edge, so that the
13 diaper presents a soft surface at said inside of the diaper waistband portion despite said plastic
layer edge.

Remarks

New claim 7 is based on claim 26 in the parent case, referenced and quoted by the Board in its decision of September 29, 1998, reversing the art rejections. New claim 7 has been slightly modified in the last element of the claim with respect to the soft padding member. Claim 7 now claims that the soft padding member is located between the diaper wearer and the plastic layer edge. In view of the small differences, a terminal disclaimer can be provided to overcome any obviousness type double patenting rejection. No same invention rejection should be made because the prior claim 26 did not specify the invention in these same words.

Respectfully submitted,


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